

Veli Demirel
Petitioner,
ZB 1077M

* PLANNING BOARD OF
* HOWARD COUNTY, MARYLAND

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MOTION: *To recommend approval of the proposal for a Zoning Map Amendment to rezone 1.52 acres of land located on the south side of Frederick Road approximately 200 feet west of the intersection with Centennial Lane from R-20 to OT.*

ACTION: *Recommended approval of Petition; Vote 4 to 0.*

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RECOMMENDATION

On July 8, 2009, the Planning Board of Howard County, Maryland, considered the petition of Veli Demirel to rezone 1.52 acres of land located on the south side of Frederick Road approximately 200 feet west of the intersection with Centennial Lane from R-20 to OT. The subject property is located in the Second Election District, is described as Tax Map 24, Grid 1, Parcels 62 & 63, and the address is 10105 & 10109 Frederick Road.

The petition, the Department of Planning and Zoning Technical Staff Report and Recommendation were presented to the Board for its consideration. The Department of Planning and Zoning recommended that the Petitioner's request be approved with recommendations based on a finding that the proposed development would provide an appropriate low-impact transitional use of land based on its location on a minor arterial and across from commercially zoned and used properties and adjacent to residential and non residential land uses.

The Petitioner was represented by Andrew Robinson, Esq. No one testified in opposition to the petition. Two citizens testified in support of the petition.

Mr. Robinson said that there was little to add to the Technical Staff Report. He explained that a revised landscape plan has been prepared which shows the perimeter labels and the existing woods. He said the Petitioner fully intends to maintain as much of the existing woods as possible in developing the site. He submitted photographs of the site showing extensive woods along the rear of the property and pine trees adjacent to Parcel 112 on the west side of the site which had inadvertently been omitted from the submitted plan. Mr. Robinson reviewed the requirements of Section 117.3 and said the petition complies with all requirements. He said that over time there will be long standing residential properties that will abut commercial properties as the County continues to grow. He said OT zoning is good for this site because it provides a smooth transition between residential and commercial as intended by the Zoning Regulations for the district. Mr. Robinson explained that the building size which is requested to be larger than recommended by the Zoning Regulations, is appropriate given the architecture which has been carefully designed to allow the buildings to blend with the surrounding architecture. He said the proposed size is

1 more indicative of modern architecture and the buildings will supplement the community as a gradual
2 transition between commercial and residential uses. In response to a question from a Planning Board
3 member, he stated that there are currently no tenants for the building and the increased size is requested in
4 order to give maximum flexibility in seeking tenants while market conditions are down. One Planning
5 Board member expressed concerns about potential noise and headlight intrusion related to the dumpster.
6 Mr. Robinson stated that there are laws which limit the hours of pick-up from dumpsters which will prevent
7 headlights from having to be used and that associated noise will be minimal. In closing, he stated that while
8 the proposed development would be more intense than residential use, the trade-off in rezoning to OT is
9 that there will be a low intensity office use instead of future development as a higher intensity retail use if
10 the Site were zoned B-1 for example.

11 **Testimony:**

12 Larry Jeeter testified in support of the proposal. He said the petition should be approved and that no
13 one is going to build a modern house on this property and the Petitioner cannot use the land for the
14 residential purpose for which it is currently zoned. He posed the question, "Is the proposal a distraction or
15 an addition to the neighborhood?" He submitted photographs to the Planning Board members of the
16 surrounding area and described an abandoned house, the dilapidated, abandoned 84 Lumber building on
17 Route 40, and a house with various abandoned vehicles in the yard. He said the proposal represents a net
18 enhancement and improved development of the area. He also stated that at the intersection of Frederick
19 Road and St. Johns Lane, there is a strip shopping center with a Rita's Italian Ice and several other
20 businesses which have a more intense use than the proposed office buildings, and as proof that commercial
21 development is not a deterrent to residential development, approximately ten new houses are being
22 constructed directly abutting the strip shopping center.

23 David Powell also testified in support of the proposal. He said he is a local business owner and the
24 county needs more of this type of development. He said he has seen the plan and the visuals work to move
25 Ellicott City forward. He said the proposal is a good use of space and he hopes the appearance of the
26 buildings will raise the design standards in the community.

27 **Motion:**

28 Tammy CitaraManis made a motion to approve the petition in accordance with the Technical Staff
Report including the recommendations regarding the enhanced landscape buffering and the earlier closing
time on weekends. Paul Yelder seconded the motion.

Discussion:

Ms. CitaraManis commented that the pre-submission community meeting notes in this case were
very thorough and showed the Petitioner worked closely with the community to resolve any issues prior to
the Planning Board meeting. She said the OT district regulations are clearly intended as a transition, but it is
clear the transition should not be forced. She stated the Petitioner's justification for the increase building

1 size makes sense and the architecture and building materials would allow the building to blend with the
2 community. Ms. CitaraManis stated that an enhanced heavy landscape buffer at the rear of the site would
3 make the development work the best it can. She said more evergreens rather than deciduous trees would
4 make it more acceptable to the community. She said that while she understands the Petitioner's need for
flexibility, she supports the staff recommendation to limit the hours of operation on weekends due to noise
and light.

5 Mr. Rosenbaum said he agrees with the proposed rezoning. He said the proposal would be an
6 enhancement of this area. He said he agrees with the justification for the increased building size and that the
7 building will have a presence but will not represent an overbearing presence. He said the restricted weekend
8 hours make sense and he does not see an issue with the dumpster location as the pick-up hours would be
9 restricted. He said he does not believe it should be moved closer to the building as that would detract from
the building's appearance.

10 Mr. Yelder said he agrees with the recommendation and that the proposed dumpster location is not
11 a concern for a low impact office use. He said he does not see an issue with the increased building size but
12 he would like to see the final plan. He said he agrees with the recommendation for an enhanced landscape
buffer.

13 Mr. Grabowski said he believes there is more of an existing woods buffer on the site than is shown
14 on the plan, but he agrees with the recommendation for an enhanced landscape buffer and a Type E buffer
15 should be placed along the rear of the site. He said the lights will be shielded and light spillage should not
16 be an issue. He said he does not see an issue with the increased building size since there is not a lot of
17 square footage being added to the recommended footprint. He said the proposal is a good use of the OT
district.

18 **Vote:**

19 The motion for approval of the petition in accordance with the recommendation of the DPZ
20 Technical Staff Report including the recommendations for a Type E enhanced landscape buffer in the rear
of the site and the earlier closing time on weekends passed by a vote of 4 to 0.

21 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 18th day of
22 August 2009, recommends that the Petitioner's request to rezone 1.52 acres of land located on the
23 south side of Frederick Road approximately 200 feet west of the intersection with Centennial Lane from R-
24 20 to OT as described above, be **APPROVED** in accordance with the recommendation of the Technical
Staff Report.

25 HOWARD COUNTY PLANNING BOARD

26 
27 David Grabowski, Chairperson
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1 Gary Rosenbaum
2 Gary Rosenbaum, Vice Chairperson

3 ABSENT
4 Linda A. Dombrowski

5 Tammy J. Citara Manis

6 Paul Yelder
7 Paul Yelder
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9 ATTEST:

10 Marsha S. McLaughlin
11 Marsha S. McLaughlin
12 Executive Secretary
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